

- (2) The subdivider shall coordinate subdivision design with utility companies to insure adequate and suitable areas for under or above ground installation, both for the proposed subdivision, and areas adjacent to the subdivision.
- (3) Utility corridors shall be shared with other utility and/or transportation corridors where feasible, and located to minimize site disturbance, the fragmentation of agricultural, conservation and shore lands, any adverse impacts to natural, cultural or scenic resources, and to public health.

(B) **Utility Easements.** Utility easements of sufficient width shall be provided so as to serve both the proposed subdivision and existing and anticipate development outside the subdivision. Such easements shall be shown on the final plat.

Section 7.10 Legal Requirements

(A) Every subdivision plat shall show all proposed rights-of-way and easements as required under these regulations, regardless of whether the proposed right-of way or easement is intended to be accepted by the municipality. In the event that the right-of-way or easement is not intended for acceptance by the municipality, the mechanism by which it is to be maintained, owned and/or conveyed shall be clearly documented.

(B) Documentation and assurance shall be provided that all required improvements and associated rights-of-way and easements will be adequately maintained either by the subdivider, a homeowners' association, or through other legal mechanism. Such documentation shall be in a form approved by the Planning Commission and filed in the Swanton Land Records.

(C) All required improvements shall be constructed to approved specifications in accordance with a construction schedule approved by the Planning Commission. The Commission may require that all such improvements be completed prior to the issuance of a certificate of compliance under Section 9.2(B), or a zoning permit for development on approved lots. A performance bond or comparable surety may be required to ensure that all improvements are completed to specification. Such bond shall be posted in accordance with Section 6.5 of these regulations.

(K) **Driveways.** Driveways generally shall comply with the Vermont Agency of Transportation's Standard B-71 for residential and commercial driveways, as most recently amended, the requirements of Section 3.2, and the following:

- (1) Driveways shall be accessible by emergency service vehicles, and shall logically relate to topography so as to ensure reasonable grades and safe intersections with public or private roads. Maximum grade shall not exceed a grade of 3% within 100 feet of an intersection with a public road, or an average grade of 10% within any 50 foot section. For driveways in excess of five hundred 500 feet in length, a 10' x 30' pull off may be required.
- (2) Driveways, to the extent feasible, shall be laid out to follow existing linear features, such as utility corridors, tree lines, hedgerows and fence lines; to avoid the fragmentation of agricultural land and open space; and to avoid adverse impacts to natural, cultural and scenic features .
- (3) The use of common or shared driveways is encouraged and may be required to in order to minimize the number of access points in accordance with Subsection (G) and Section 3.2.

(L) **Modification of Road & Driveway Standards.** In the case of unusual topographic conditions or other circumstances which would make the strict adherence to these standards a substantial hardship, the Planning Commission may, in consultation with the appropriate legislative body, modify the strict application of one or more of these standards providing the applicant can demonstrate that the proposed road or driveway is accessible by emergency response vehicles, does not pose any threat to the safety of motorists or pedestrians, will not result in unreasonable maintenance requirements for landowners, and is designed in a manner that is consistent with other applicable standards of these regulations.

(M) **Pedestrian & Bicycle Access.** The Planning Commission may require pedestrian rights-of-way to facilitate pedestrian and bicycle circulation within the subdivision and to ensure access to adjoining properties, uses or public facilities.

- (1) The Planning Commission may require, in order to facilitate pedestrian and bicycle access from a subdivision to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least 20 feet in width. Easements shall be indicated on the plat.
- (2) Within the R3 and R5 Districts, concrete or granite curbing a minimum of 5" high and concrete, block or paved sidewalks a minimum of 5' wide shall be installed on at least one side of all streets. Curbs and sidewalks may be required in other districts where deemed necessary by the Commission. Where curbing is required, the Commission may also require adequate provision of stormwater drainage.

Section 7.9 Utilities

(A) **Location.** All utilities, existing and proposed, throughout the subdivision shall be shown on the final plat, and be located as follows:

- (1) All utilities, including but not limited to electric, gas, telephone, and cable television, shall be located underground throughout the subdivision, unless deemed unreasonable and prohibitively expensive by the Planning Commission.

- (1) a safe sight stopping distance is provided, as determined by probable traffic speed, terrain, alignments and climatic extremes. Generally, sight distance should be eleven (11) times the speed limit (e.g., a curb cut on a road with 40 mph speed limit would require a minimum sight distance of 440 feet which provides a gap of 7.5 seconds of travel time);
- (2) it is directly opposite an existing road or driveway to form a four-way intersection wherever feasible. Intersections creating centerline offsets of less than 125 feet shall not be permitted;
- (3) it intersects the existing road at an angle between 70 and 90 degrees;
- (4) the gradient within 100 feet of an intersection shall not exceed 3%; and
- (5) no structure or planting is situated to impair corner visibility.

(F) **Road Drainage.** Stormwater management facilities shall be provided to manage stormwater runoff from all proposed roads and/or parking areas in accordance with Section 7.5 of these regulations. Generally, roadbeds, shoulders, ditches and culverts shall be designed and maintained in conformance with the *Vermont Better Backroads Manual*, as most recently amended.

(G) **Coordination with Adjoining Properties.** The arrangement of roads in the subdivision shall provide for the continuation of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required of needed utilities and public services. Where, in the opinion of the Planning Commission, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

(H) **Access.** All road access shall be designed in accordance with Section 3.2, and shall be subject to the approval of the Vermont Agency of Transportation in the case of state highways and the Select Board and Trustees in the case of other public roads. Access to all lots created by subdivision of any such parcel and to all buildings or other land development located thereon shall be only from such permitted access road or driveway.

(I) **Upgrades to Existing Roads.** Where an existing access road is inadequate or unsafe the Planning Commission, in consultation with the Select Board or Trustees, may require the subdivider to upgrade the access road to the extent necessary to serve emergency vehicles and additional traffic resulting from the subdivision, and to conform to these standards. In situations where a development may require realignment, widening or otherwise increasing the capacity of an existing road, or where the municipal plan or capital program indicates that such improvements may be required in the future, the subdivider may be required to reserve land for such improvements. Any existing road that provides either frontage to new lots or access to new roads also shall meet these requirements. Where a subdivision requires expenditures by the municipality to improve existing road(s) to conform to these standards, the Planning Commission may disapprove such subdivision until the Select Board or Trustees certify that funds for the improvements have been ensured; or the subdivider may be required to contribute to any or all of the expenses involved with road improvements necessitated by the project.

(J) **Road Names & Signs.** Roads shall be named in accordance with any municipal road naming ordinance or policy currently in effect, and shall have specific historic, cultural or geographical relevance. Said names shall be identified on signs designed and located in accordance with municipal policy, and shall be clearly depicted on the final plat.

Section 7.8 Roads & Pedestrian Access

(A) **Applicability of Road Standards.** The standards contained herein shall apply to all proposed public roads and to private (development) roads serving three or more lots. In addition, these standards may be applied to private roads serving less than three lots when the Planning Commission determines such standards are necessary to provide suitable access to, or accommodate, anticipated future subdivision.

Acceptance of private roads by the municipality is subject to the approval of the appropriate legislative body pursuant to state law for the laying out of public rights-of-way. Construction of a road(s) to these standards in no way ensures such acceptance.

(B) **Traffic.** Traffic to be generated by the proposed subdivision will not create unreasonable traffic congestion or cause unsafe conditions on public roads in the vicinity of the subdivision. The Planning Commission may request the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure road safety and efficiency, the cost of which to be borne by the applicant. The implementation of mitigation, including road improvements, necessitated by the subdivision shall be the responsibility of the applicant.

(C) **Road Design.** All roads serving proposed subdivisions of three or more lots shall be designed in accordance with Swanton road ordinances currently in effect, and shall conform to the dimensional and geometric design standards for local roads and streets contained within the *Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets*, dated October 1997, or as most recently amended. Minimum design standards include the following:

- (1) Rights-of-way for all roads shall be a minimum of 50 feet in width.
- (2) Dead end roads are specifically discouraged. No dead end road shall be permitted without a suitable turn around at its terminus. This may consist of a cul-de-sac with a radius of not less than 50 feet, or a "T" or other configuration suitable to topography and adequate for emergency vehicles to turn around efficiently. Dead end roads in excess of 1,200 are prohibited.
- (3) Roads shall logically relate to topography to minimize site disturbance, including the amount of cut and fill required, and to produce usable lots, reasonable grades and safe intersections in relation to the proposed use of the land to be served by such roads. Road grades should be consistent with local terrain. Maximum road grade shall not, in any fifty feet (50') section, exceed an average grade of ten percent (10%).
- (4) Roads shall be designed and laid out to avoid adverse impacts to natural, historic, cultural and scenic resources, and to enhance the vitality of village areas. Roads should follow existing linear features, such as utility corridors, tree lines, hedgerows and fence lines, and should avoid fragmentation of agricultural land and open fields. Techniques for the preservation of scenic views and cultural features should be employed for the construction and maintenance of roads within scenic or village areas, including but not limited to the selection of visually compatible materials, the preservation of existing features, and the management of vegetation within the road corridor.

(D) **Road Construction Standards.** Road construction, including specifications relating to the crown, grade, sub-base and surfacing, shall conform to the Vermont Agency of Transportation's *Standard A-76*, as amended.

(E) **Intersections.** A new or relocated road or driveway shall be located so that:

and/or the phasing of development in accordance with a duly adopted capital budget and program may be required as appropriate, the cost of which is to be borne by the applicant.

(B) **Fire Protection Facilities.** Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the Planning Commission. Where practicable, or where required by the Planning Commission, fire hydrants or ponds shall be installed by the subdivider. To assist the Planning Commission in determining the adequacy of fire protection facilities, the applicant shall consult with the fire chief from the fire department responsible for providing coverage for the subject property.

Section 7.7 Water Supply & Wastewater Disposal

(A) **Water Supply.** Water supply systems shall be designed and built to meet all applicable state and local requirements. The Planning Commission may require evidence that an adequate potable water supply is available through an existing or proposed system prior to granting final approval. The Planning Commission may also require as a condition of approval, or as a condition of issuing zoning permits, that the subdivider provide the results of water sample tests by the Vermont Health Department. The following standards shall be met for subdivisions being serviced by a public community water system (PCWS), a shared water system, or individual wells:

- (1) Due consideration shall be given to drainage patterns in the area.
- (2) Building sites and new roads shall be located to avoid groundwater or surface water contamination as a result of leachate run-off.
- (3) There shall be no adverse impact on existing water supplies from the proposed water supply for the subdivision.

(B) **Wastewater Disposal Capacity.** Where applicable, the applicant shall demonstrate that soil conditions on-site are adequate to accommodate the installation of a in-ground wastewater disposal system designed in accordance with state regulations and Section 3.15 of these regulations.

(C) **Individual Systems.** Individual water and wastewater systems shall meet all local and state regulations for design, installation and maintenance in accordance with Section 3.15.

(D) **Connection to Existing System.** Where connection to an existing municipal or community water system or wastewater disposal system is proposed, the subdivider shall provide evidence as to the adequacy of the system to meet the needs of the proposed development. The subdivider will be required to provide such pumping and other facilities (e.g. collection or distribution) as may be necessary. The Planning Commission also may require that the subdivider provide, or to have installed, at his expense, larger lines, pumping, storage and other facilities outside of the subdivision, if required specifically to meet the requirements of the proposed development.

(E) **Community (Shared) Systems.** Subdivisions and associated development to be serviced by private community water and/or wastewater systems, including but not limited to public community water systems, shall be designed and installed in accordance with all applicable municipal and state regulations and standards. The Planning Commission may require such systems to be designed and constructed to allow for eventual connection to a municipal system.

(7) Sewage disposal areas, utility and road rights-of-way or easements, and access and parking areas shall not be counted as open space areas, except where the applicant can prove, to the satisfaction of the Planning Commission, that they will in no way disrupt or detract from the values for which the open space is to be protected.

(C) **Creation of Common Land.** Land held in common for the preservation and maintenance of open space or the maintenance and protection of shared facilities (e.g., community wastewater systems, community water supplies, recreation or community facilities, lake access, road and trail rights-of-way) may be held under separate ownership from contiguous parcels and shall be subject to the legal requirements set forth below.

(D) **Legal Requirements.** The Planning Commission may require that protected open space be dedicated, either in fee or through a conservation easement approved by the Planning Commission, to the municipality, a community association comprising all of the present and future owners of lots in the subdivision and/or a non-profit land conservation organization. At a minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to appropriate deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of applicant and subsequent land owners (see also Section 7.10).

Section 7.5 Stormwater Management & Erosion Control

(A) **Stormwater Management.** Stormwater drainage, infiltration, retention and treatment facilities, including culverts and ditches, shall be designed to accommodate potential stormwater runoff from the entire upstream drainage area, based on conditions of total potential development. The Planning Commission may require the subdivider to maintain post-development peak storm flows at predevelopment levels. All stormwater management facilities shall be designed in accordance with best management practices (BMPs) for stormwater management as most recently defined by the Vermont Agency of Natural Resources. The preparation and implementation of a stormwater management plan, prepared by a professional engineer licensed by the state, may be required by the Planning Commission. Off-site easements and/or management facilities may also be required by the Planning Commission as needed to accommodate stormwater runoff on adjoining properties or downstream from the proposed development.

(B) **Erosion Control.** Land shall be subdivided and improved so as to retain, insofar as possible, the natural contours and to conserve the natural cover and soil. All areas exposed during construction shall be protected in accordance with standards of the Natural Resource Conservation Service, the Agency of Natural Resources, or other appropriate regulatory body. Permanent vegetation and structures shall be established according to a schedule as required by the Planning Commission. The Planning Commission may require the preparation and implementation of a sedimentation and erosion control plan to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, shall not unduly impact neighboring properties or surface waters. Such a plan, if required, shall be prepared by a licensed Vermont engineer.

Section 7.6 Facilities & Services

(A) **Municipal Facilities & Services.** The proposed subdivision will not create an undue burden on municipal facilities or create an unreasonable demand for public services (e.g., shall not result in an increase in student enrollment in excess of existing or planned school capacity). A fiscal impact analysis

subdivision design (e.g., driveways may follow stone walls) to the extent feasible.

- (2) Prior to development on sites that have been identified as being archaeologically sensitive in the municipal plan or through site investigation, the Planning Commission may require a site assessment to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource and/or recommend strategies for its protection. Such an assessment shall be performed by a qualified professional in accordance with Vermont Division for Historic Preservation guidelines.
- (3) The subdivision of land shall be designed to maintain the historic context of the site, as defined by historic structures located on the property and in the immediate vicinity of the site, and to minimize the impact of new development on the historic and architectural integrity of historic resources.

Section 7.4 Open Space & Common Land

(A) Subdivisions shall be designed to preserve open space areas for recreation, lakeshore protection and the preservation of fragile features and farmland. Common land shall be designed to achieve these objectives and to facilitate the maintenance of community facilities.

(B) **Preservation of Open Space.** Provision shall be made for the preservation of open space. The location, size and shape of lands set aside to be preserved for open space shall be approved by the Planning Commission, in accordance with the following:

- (1) Open space land shall include and provide for the protection of identified fragile features, productive farmland (to the extent practical), recreation areas and facilities, including trails, and historic and archaeological resources.
- (2) Designated open space may include the portion of a single lot outside of the building envelope which is characterized by one or more of the above referenced features and/or may encompass the contiguous boundaries of the above referenced feature located on multiple lots. The Planning Commission may require lot configurations that minimize the subdivision of contiguous open space areas.
- (3) The location, shape, size and character of the open space shall be suitable for its intended use.
- (4) Provisions should be made to enable open space designated for agriculture and forestry (silviculture) to be used for these purposes. Management plans for forests, wildlife habitat, and shorelands may be required by the Planning Commission as appropriate. Areas preserved for agricultural use should be of a size that retains their eligibility for state and municipal tax abatement programs.
- (5) Open space areas shall be configured to be contiguous with existing and potential open space lands on adjacent parcels.
- (6) In accordance with the Act [§4418], the Planning Commission may require the dedication of up to 15% of the total land area of the proposed subdivision for recreation purposes. Such area, to be set aside as common land unless otherwise approved by the Commission, shall be of suitable character to serve as parkland, a playground or recreational trail network. Subdivisions resulting in the creation of 10 or greater lots shall meet this requirement.

Section 7.3 Protection of Natural & Cultural Resources

(A) **Significant Natural Features.** Subdivision boundaries, lot layouts and building envelopes shall be located and configured to avoid any adverse impact to fragile features. For the purposes of these regulations, fragile features shall include wetlands, flood hazard areas, slopes in excess of 25%, critical wildlife habitat, surface waters and associated buffer areas. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Building envelopes shall be located and sized to exclude these features.
- (2) Undisturbed buffer areas sufficient in width to protect the identified feature(s) shall be designated.
- (3) Subdivider may be required to develop and maintain management plans and/or establish appropriate buffers to protect critical habitat areas.
- (4) Roads, driveways and utilities shall be designed to avoid and/or prevent the fragmentation of identified features and minimize adverse visual impacts to the extent feasible.
- (5) Identified features and adjacent buffer lands shall be designated as open space in accordance with Section 7.4.

(B) **Farm Land.** Within the RC, R1 and R3 Districts, subdivision boundaries, lot layout and building envelopes shall be located and configured to avoid adverse impacts to prime and statewide agricultural soils and other productive farmland. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Building envelopes shall be located at field and orchard edges or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.
- (2) Vegetated buffer areas may be required between agricultural and other uses to minimize land use conflicts.
- (3) Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize the fragmentation of productive agricultural land and minimize visual impacts.
- (4) Intact parcels of productive farmland shall be designated as open space in accordance with Section 7.4; conservation easements, limitations on further subdivision, or comparable site protection mechanisms may be required.

(C) **Historic & Archaeological Resources.** Subdivision boundaries, lot layout and building envelopes shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in the *Swanton Town and Village Plan*, by the Vermont Division for Historic Preservation, or through site investigation. Methods to minimize adverse impacts include but may not be limited to the following:

- (1) Historic features, including stone wall and cellar holes, should be preserved and integrated into the

Article 8.

(D) **Monuments & Lot Corner Markers.** Permanent monuments and corner markers shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors, Part 5, Standards for the Practice of Land Surveying.

(E) **Establishment of Building Envelopes.** The Planning Commission may require the designation of building envelopes to limit the location of structures and associated site development to one or more portions of a lot. The size and shape of each building envelope shall be established in accordance with the standards set forth in these regulations. The Planning Commission may also require the identification of specific building footprints if, in their judgment, such information is required to meet the standards set forth in these regulations.

(F) **Landscaping and Screening.** The preservation, planting and maintenance of trees, ground cover or other vegetation, of a size and type deemed appropriate by the Planning Commission, may be required:

- (1) to provide an undisturbed vegetated buffer between developed and undeveloped portions of the site to protect water quality and/or other natural features; at a minimum, a buffer of appropriate width shall be established from the mean water level of any stream or lake and/or the delineated boundary of an identified wetland in accordance with Section 3.14;
- (2) to provide screening of development to increase privacy, reduce noise and glare, or to otherwise soften and/or lessen the visual impacts of development;
- (3) to establish street trees along public or private roads to establish a canopy effect and/or maintain a pedestrian scale where the Planning Commission deems it appropriate. Such trees shall be a hardy (salt and drought tolerant) native species a minimum of 2" - 2½ " diameter at breast height and be planted within 5 to 8 feet of the street line;
- (4) to preserve existing specimen trees, tree lines, wooded areas of particular natural or aesthetic value to the site, or critical wildlife habitat; or
- (5) to establish a barrier between incompatible land uses.

(G) **Energy Conservation.** To conserve energy, all subdivisions shall use the least amount of area for roadways and the least length of sewer, water and utility lines within environmentally and economically sound limits. Clustered development (i.e., planned residential and planned unit development) should be considered wherever feasible, desirable and allowed. The siting of buildings should maximize solar access where feasible, and landscaping should be effectively used to provide wind barriers and reduce heat loss or gain.

(H) **Disclosure of Subsequent Development Plans.** Whenever a subdivider submits a proposal for development on a minor portion of a parcel the Planning Commission may require a general indication of the intended uses of the remaining portion of land. Such an indication should include access, type of use, intensity of use, and phasing.

(I) **District Settlement Patterns** Subdivisions shall be designed to achieve the purpose and desired settlement pattern of the zoning district within which they are located, as defined in Article 2.

ARTICLE 7. SUBDIVISION PLANNING & DESIGN STANDARDS

Section 7.1 Evaluation and Application of Standards

The Planning Commission shall evaluate any minor or major subdivision in accordance with the procedures described in Article 6 and the standards set forth below. The Commission may, as a result of findings made concerning the proposed subdivision's conformance with these standards, require modification of subdivision design, phasing of the proposed subdivision, and/or additional measures to avoid or mitigate any adverse impacts likely to result from the proposed subdivision.

Section 7.2 General Standards

(A) **Character of the Land.** All land to be subdivided shall be, in the judgment of the Planning Commission, of such a character that it can be used for the intended purpose and density of use without undue adverse impact on public health and safety, the environment, neighboring properties, or the character of the surrounding area and community. Land subject to periodic flooding, poor drainage, inadequate capability to withstand structures, including streets, utilities, and buildings, or other hazardous conditions, shall not ordinarily be subdivided.

(B) **Conformance with the Swanton Municipal Plan & Other Regulations.** Subdivision plats shall conform to the Town and Village Plan, other provisions of these regulations, capital budget and program, and all other bylaws, ordinances and regulations of the Town and Village of Swanton currently in effect.

(C) **Lot Layout.** The layout of lots shall conform to the requirements of Section 3.7 and these regulations. The following standards shall apply to all subdivisions:

- (1) Corner Lots. Corner lots shall have sufficient width to permit a front yard setback on each street.
- (2) Side Lot Boundaries. Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines.
- (3) Lot Shape. Lots with irregular shapes (curves, jogs, dog-legs, etc.) shall not be created unless warranted by conditions of topography, the location of natural features or existing road conditions. The configuration of lot boundaries shall meet the following standards unless specifically waived by the Commission:
 - a. minimum lot frontage, as required by Article 2 of these regulations, shall be contiguous and uninterrupted; and
 - b. lot width shall not be reduced by more than 30% of the frontage width.
- (4) Reserved Strips. No privately owned reserve strip, except on open space dedicated in accordance with Section 7.4, shall be permitted to control access to any part of the subdivision or to any other parcel of land from any street, or from any land dedicated to public use, which may be so dedicated.
- (5) Lot Size & Density. Lot sizes and densities set forth in Article 2 are a minimum standard; lower densities and/or larger lot sizes may be required by the Planning Commission based on prevailing site conditions and the potential impact on significant natural features. Densities may be increased by the Planning Commission only for Planned Unit Developments in accordance with the provisions of